**To:** Housing Justice Network

**From:** National Housing Law Project (NHLP)

**Re:** Continuing Resolution signed into law and includes important EHV provisions

**Date:** September 3, 2026

On September 2, 2026, the President signed a Continuing Resolution that will extend federal government funding until December 11, 2026.[1] For federal housing programs this means funding will be maintained at 2026 levels until December 11, 2026.

The Continuing Resolution (CR) has an important provision regarding Emergency Housing Vouchers that advocates should be aware of: Section 153(b). Below, we answer the most important questions about this provision, which will protect families with expiring EHVs from losing their homes by facilitating transfer of EHV tenants to the TPV program.

## 1. What are Emergency Housing Vouchers (EHVs)?

Emergency Housing Vouchers (EHVs) are tenant-based rental assistance, similar to vouchers issued under the Housing Choice Voucher (HCV) program.[2] EHVs are specifically for individuals and families who are (1) experiencing homelessness; (2) at risk of homelessness; (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or (4) recently homeless and for whom providing rental assistance will prevent homelessness or the high risk of housing instability.[3] EHVs are administered like HCVs with a few exceptions. For example, PHAs were initially allowed to set higher payment standards (than the regular voucher program), and EHV participants are subject to less restrictive eligibility screening requirements. For more information about the EHV program and how it is administered see NHLP's EHV FAQ dated May 27, 2025, and Updated July 7, 2025.[4]

In 2021, HUD allocated approximately 70,000 EHVs to Public Housing Agencies (PHAs).[5] As the cost of housing increased over the years, the funding Congress originally allocated in 2021 started running out sooner than expected. Approximately 41,264 EHVS are still in use by families across the country. In order to keep these families

[1] H.R.6500, Continuing Appropriations and Extensions Act, 2027 (2026).

[2] HUD Notice PIH 2021-15 at 2; 42 U.S.C. § 1437f(o).

[3] HUD Notice PIH 2021-15 at 2.

[4] This FAQ does not yet include updated information on payment standards which HUD Notice PIH 2026-20 made in August of 2026. Refer to Sections 5 and 6(d) of this memo for updated information about payment standards.

[5] American Rescue Plan of 2021, Pub. L. No. 117-2, § 3202.

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housed, Congress needed to act to provide additional funding, or the program was predicted to face a funding cliff by the end of 2026.

To mitigate the harms of the EHV funding cliff, in February of 2026, Congress allocated $600 million for Tenant Protection Vouchers (TPVs) that were specifically intended to help PHAs support families whose EHVs would expire.[6] HUD, however, issued a Notice in May of 2026 which interpreted this provision as only allowing PHAs to use TPV funding to address the funding shortfall in the EHV program, not as authority to issue TPVs to replace EHVs.[7] In any case, HUD never issued guidance instructing PHAs on how to access the TPV funds for this purpose. Due to HUD's failure to act, EHV families remained at risk of losing assistance as EHV funding runs out. Congress subsequently clarified in the Continuing Resolution that transitioning EHV tenants to TPVs is an authorized use of the TPV account and in fact, Congress required HUD to transfer EHV tenants to the TPV program.

## 2. What does the Continuing Resolution say about EHVs?

Section 153(b) of the Continuing Resolution explicitly directs HUD to provide TPVs to any family leased up with an EHV as of September 30, 2026. PHAs will, however, need to issue these TPVs before the end of 2026. This language reinforces the original intent of Congress when they allocated TPV funding in February of 2026. A redlined version of the law's new language as modified by the Continuing Resolution is on page eight of this memo.

## 3. Why is this language important?

The language in the Continuing Resolution allows PHAs to transition families with EHVs to TPVs and keep their homes. All EHV tenants (as of September 30, 2026) are eligible to receive a TPV and should see no disruption in their rental assistance.

## 4. How many EHV households are in my community?

According to HUD's EHV Data Dashboard, as of August 26, 2026, there are approximately 41,000 families still with EHVs. You can filter the information on the EHV dashboard by your state or PHA to find out how many families with EHVs are in your area. You can also see the number of families with EHVs who have not leased up and which PHA is administering their voucher. As of August 26, 2026, there are 67 families who are not leased up.

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[6] Consolidated Appropriations Act, 2026, Pub. L. No. 119-75.

[7] HUD Notice PIH 2026-12.

## 5. How will local PHAs transition tenants to TPVs?

HUD has not yet issued guidance to PHAs about how to apply for and transition tenants from the EHV program to the TPV program. NHLP will update advocates as soon as HUD issues guidance in response to the Continuing Resolution. On June 20, 2025, HUD issued guidance to PHAs on how to transition families from the EHV program to the regular voucher program.[8] The TPV program is run like the HCV program so we anticipate that HUD will apply some of the same rules with respect to transitioning tenants to TPVs. Advocates should be prepared to work with their local PHAs to make sure the right policies are in place such that EHV tenants can transition smoothly to the TPV program.

Per HUD's June 2025 guidance, PHAs that choose to transition EHV families to the HCV program should:

- Provide clear information to EHV families including: the process for applying to the HCV waitlist under an EHV preference, the status of EHV funding, why the PHA is adopting an EHV preference, and the potential consequences of remaining on EHV assistance (including the risk of termination due to lack of funding).[9] While some of this information may be less relevant to TPV tenants, the important point is that PHAs should provide clear information to EHV tenants about what it means to transfer to the TPV program.
- Update PHA plans to establish a waiting list preference for EHV families, which is the manner in which PHAs can transition families to the HCV program.[10] In some cases, updating PHA plans to reflect the new policy will be considered a "significant amendment" to the PHA plan, requiring strict adherence to local notice and comment requirements.[11] This direction is less relevant for tenants transferring to the TPV program because presumably, there will be no waitlist for TPVs. It will nonetheless be important for advocates to be aware of whether a PHA is amending its plan to reflect the transfer of EHV tenants to TPVs and provide comments on any written policies.
- Establish a local preference (or multiple EHV preferences to prioritize the most vulnerable households) for current EHV participants, using a method that complies with fair housing and civil rights requirements, communicate that preference to all EHV families and allow sufficient time for families to apply for the HCV program before selecting families from the waitlist. A PHA may apply for a

[8] HUD Notice PIH 2025-19 at 2.

[9] HUD Notice PIH 2025-19 at 2.

[10] HUD Notice PIH 2025-19 at 3.

[11] HUD Notice PIH 2025-19 at 3.

waiver to place all EHV families on its HCV waiting list with the appropriate preference by following the steps HUD sets forth in its notice.[12] Again, waitlist preferences likely won't be an issue for TPV families but importantly, advocates should make sure that the PHA is complying with all civil rights and fair housing requirements as it transfers tenants from one program to another.

- When a family admitted to the EHV program is transferred to the HCV program, the family is not an applicant but is a participant. Accordingly, applicant screening requirements do not apply (e.g., criminal rescreening, income eligibility and targeting requirements).[13] HUD's notice also addresses documentation of SSN and eligible noncitizen status.[14] However, verification of documentation of SSN and eligible noncitizen status applies only to family members who contend eligible immigration status.[15] Families were required to provide documentation for verification within 180 days of moving in/receiving assistance, but no PHA should have issued any new EHVs on or after March 2025. Therefore, the alternative verification requirements likely should not be an issue for tenants transferring to TPVs. PHAs should have the information that they need to comply with HUD regulations.
- HUD had previously allowed PHAs to set higher payment standards for the EHV program (up to 120% FMR versus up to 110% for the regular voucher program).[16] HUD revoked this waiver for EHVs in an August 10, 2026, Notice.[17] Unless the PHA has adopted exception payment standard amounts for their entire voucher program under 24 C.F.R. § 982.503(d), PHAs must now follow the payment standard rules at 24 C.F.R. § 982.503(c) for EHV tenants. PHAs are required to apply regular payment standards to families moving to a new unit with their EHV.
- Families who are staying in their unit and received a higher payment standard under prior HUD guidance will also be impacted by the notice, although decreased payment standards may not be used to recalculate the family's HAP any earlier than two years following the effective date of the decreased payment standard, per HUD regulations.[18] Advocates should educate these tenants to let them know that if they move with their EHV, they will no longer be able to use the

[12] HUD Notice PIH 2025-19 at 4.

[13] HUD Notice PIH 2025-19 at 5.

[14] HUD Notice PIH 2025-19 at 5.

[15] 24 C.F.R. §§ 5.508(a), 5.216(a).

[16] HUD Notice PIH 2025-19 at 6.

[17] HUD Notice PIH 2026-20.

[18] HUD Notice PIH 2026-20 at 2.

higher payment standards when looking for a new unit. As EHV tenants transition to TPVs, it will be important to advocate that tenants should not experience an immediate reduction in payment standards; rather, the regular voucher rules should continue to apply. But see below for advocacy tools that could also help tenants maintain higher payment standards as they transition to TPVs.

- PHAs are not required to execute a new HAP contract provided the family remains in the same unit. (The EHV program uses the same HAP contract and tenancy addendum as the HCV program.)[19] The TPV program also uses the same HAP contract so these rules should apply to TPV transfers. The TPV program also uses the same HAP contract so these rules should apply to TPV transfers.

When HUD issues new guidance for TPVs, NHLP will update HJN.

## 6. What can I do now as an advocate to help my EHV clients be in the best position to get a TPV and experience no interruptions in their subsidy?

### a. Meet with your PHA to understand the plan for EHV families

Advocates can meet with their PHA to understand how and when the PHA plans to transition families from the EHV program in the event funds are discontinued. Advocates can be prepared to discuss the issues below, including cost-saving measures the PHA should implement to prevent or mitigate harm to families. If your PHA has families with EHVs which are not leased up, work with the PHA to ensure they are leased up by September 30, 2026.[20]

### b. Promote Transparency: Ask the PHA to Keep EHV Households Informed

Advocates can encourage PHAs to promptly send letters to all EHV households. These letters should notify households how the PHA will transition households from the program. If the PHA has not yet created a transition plan, the letters should—at the very least—inform EHV households that a transition plan is in the works. A number of PHAs have already sent out these notices. If the PHA plans to transition EHV families to the TPV program, the PHA should be proceeding in accordance with forthcoming HUD guidance.

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[19] HUD Notice PIH 2025-19 at 6.

[20] HUD's EHV Data Dashboard shows whether a PHA is administering an EHV for a family who has not leased up. As of August 26, 2026, there are 67 families who have not leased up, located in these states: Arizona, California, Florida, Georgia, Illinois, Maryland, Michigan, North Carolina, Nebraska, Nevada, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, and Washington.

### c. PHA Plans and Administrative Plans

Advocates can work with their PHA to ensure the PHA's administrative plan includes insufficient funding policies that prioritize the housing stability of tenants. When the PHA releases the draft administrative plan for public review and comment, either during the regular administrative plan update or in the event the PHA is proposing a plan amendment, advocates should participate in the public comment process to ensure PHAs are made aware of tenants' concerns. But advocacy need not be limited to when the PHA releases a draft for public review and comment. Advocates can meet with their PHAs to propose plan amendments at any time.

For PHAs that plan to transition EHV families to the TPV program, advocates can work with their PHAs to ensure PHAs are proceeding in accordance with HUD's guidance. Finally, advocates should participate if the PHA engages in a notice and comment period to amend their plans. If a PHA proposes a "significant" amendment to its PHA Plan, the PHA must comply with the public hearing and comment process.[21] The PHA Plan must define what constitutes a significant" amendment.[22] Any revision to a PHA's administrative plan—which must cover the PHA's waiting list selection and preference policies[23]—must be formally adopted by the PHA Board of Commissioners or other authorized PHA officials,[24] which may provide advocates with another avenue for engaging with the PHA.

### d. Consistency in EHV Program Payment Standards

If the PHA plans to transition households to another program, advocates can work with their PHA to ensure a consistent transition for EHV households that protects against displacement. If the PHA has higher payment standards for the EHV program, advocates can encourage the PHA to implement exception payment standards in high opportunity neighborhoods where EHV households reside to help ensure they can remain in their current units.[25]

In its guidance to PHAs transitioning EHV households to the HCV program, HUD provided PHAs with options to minimize harm to families: (1) align program standards with EHV payment standards set between 110-120% of the applicable FMR (by using an existing simplified process for exception payment standards); or (2) hold families harmless and choose not to reduce the payment standard amount as long as the family resides in the same unit.[26]

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[21] 24 C.F.R. §§ 903.21, 903.17.

[22] 24 C.F.R. § 903.7(s)(2)(ii).

[23] 24 C.F.R. § 982.54(d)(1).

[24] 24 C.F.R. § 982.54(a).

[25] 24 C.F.R. § 982.503(d).

[26] HUD Notice PIH 2025-19 at 6, citing HUD Notices PIH 2024-34 (Sections 5B and 10).

In preparation for this discussion, advocates can remind the PHA of the additional funding it received for EHVs, many receiving between $4,250 and $4,500 in initial fees beyond HAP funds.[27] Those fees included funds for housing search assistance, security and utility deposit assistance, and owner recruitment and retention initiatives.[28]

The EHV program was a significant investment that—for many households—resulted in their ability to lease-up in high opportunity areas outside of RECAPs (Racially/Ethnically Concentrated Areas of Poverty). Accordingly, it is vital that the payment standards remain sufficient for households to continue residing in those areas.

Before meeting with their PHA, advocates may want to consider the demographics of the households served through the EHV program along with the housing patterns in the PHA's region, because failing to ensure an adequate payment standard may not only result in the displacement of these households from areas of higher opportunity, but may risk perpetuating segregated housing patterns in violation of federal and state law.

## 7. Who do I contact if I need help with EHVs?

NHLP's Emergency Housing Voucher Funding and Advocacy Toolkit provides guidance on advocacy for families with EHVs.[29] If you are working with a family with an EHV and need any assistance with your advocacy, contact Korey Lundin, Senior Attorney at NHLP: klundin@nhlp – (415) 432-5725.

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[27] HUD Notice PIH 2021-15 at 8-13; HUD FAQ (v.9) at 122.

[28] HUD Notice PIH 2021-15 at 8-13.

[29] This FAQ does not yet include updated information on payment standards which HUD Notice PIH 2026-20 made in August of 2026. Refer to Sections 5 and 6(d) of this memo for updated information about payment standards.

**Redline of Public Law 119-75 (pages 213-214), modified by Section 153(b) of H.R.6500, Continuing Appropriations and Extensions Act, 2027**

(2) $600,622,000 shall be available for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, relocation of witnesses (including victims of violent crimes) in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, choice neighborhood vouchers, mandatory and voluntary conversions, emergency housing vouchers (section 3202(b) of Public Law 117–2 (42 U.S.C. 1437f)) for all dwelling units under lease as of September 30, 2026 (which shall not be replacement vouchers and shall be provided prior to the end of calendar year 2026), and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act:

*Provided*, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents:

*Provided further*, That the Secretary may provide section 8 rental assistance from amounts made available under this paragraph for units assisted under a project-based subsidy contract funded under the ''Project-Based Rental Assistance'' heading under this title where the owner has received a Notice of Default and the units pose an imminent health and safety risk to residents:

*Provided further*, That of the amounts made available under this paragraph, no less than $5,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of: (A) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (B) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (C) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary:

*Provided further*, That such tenant protection assistance made available under the preceding proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the Act:

*Provided further*, That any tenant protection voucher made available from amounts under this paragraph shall not be reissued by any public housing agency, except the replacement vouchers as defined by the Secretary by notice, when the initial family that received any such voucher no longer receives such voucher, and the authority for any public housing agency to issue any such voucher shall cease to exist:

*Provided further*, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds:

~~*Provided further*, That amounts made available under this paragraph may be available to provide calendar year 2026 assistance to public housing agencies that would otherwise be required to terminate emergency housing vouchers (Public Law 117–2; 135 Stat. 58) for families as a result of insufficient funding;~~